REMARKS

This amendment responds to the Office Action dated November 27, 2007, in which the Examiner rejected claims 1-22, 28-30 and 32-37 under 35 U.S.C. § 103.

As indicated above, the claims have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claims 1, 18, 20, 28 and 36 provide a method, system, apparatus and medium to insert an advertising image in image content prior to stream distribution of the image content and advertising image to a reproducing apparatus. Therefore, the advertising image can be dynamically changed. The prior art does not show, teach or suggest the method, system, apparatus and medium as claimed in claims 1, 18, 20, 28 and 36.

Claim 10, 19 and 37 claim a method, system and medium in which previously provided image content has stream distributed advertisement images inserted during reproduction of the image content. Thus, advertisement images can be separately acquired. The prior art does not show, teach or suggest the invention as claimed in claims 10, 19, and 37.

Claims 21 and 29 claim an advertisement image providing apparatus and medium which distributes advertisement images via stream distribution upon receiving selection information. Thus, the advertising image providing means can transmit selected advertising images to content providing apparatuses and image content reproducing apparatuses while providing a log thereof. The prior art does not show, teach or suggest the invention as claimed in claims 21 and 29.

Claims 22 and 30 claim a reproducing apparatus and medium which separately acquires advertising images and image content. The advertisement images are acquired via stream distribution during the reproduction of the image content. Thus, the image content reproducing

apparatus can acquire the image content and the advertisement image separately. The prior art does not show, teach or suggest the invention as claimed in claims 22 and 30.

Claims 1-21, 28-29 and 32-37 were rejected under 35 U.S.C. § 103 as being unpatentable over *Hite, et al.* (U.S. Patent No. 5,774,170), in view of *Aras, et al.*(U.S. Patent No. 5,872,588), *Khoo, et al.* (U.S. Patent No. 6,434,747) and *Zigmond, et al.*(U.S. Patent No. 6,698,020).

Hite, et al. appears to disclose individually addressable digital recording devices (RD) installed at a display site in a television or radio receiver (Col. 5, lines 40-44). A commercial processor (CP) at the display site analyzes a commercial identifier code (CID) in each incoming commercial (Col. 6, lines 10-13). If there is a match between the CID in the commercial and the CID in the recording device RD, the commercial is displayed. When the CIDs do not match, the commercial is ignored and not displayed (Col. 6, lines 28-33).

Thus, *Hite, et al.* only discloses if commercial identifier codes match at a display device, displaying a commercial (Col. 6, lines 28-33). Nothing in *Hite, et al.* shows, teaches or suggests an image content providing apparatus requesting an advertising image from an advertising image providing apparatus as claimed in claims 1, 18, 20, 28 and 36. Rather, *Hite, et al.* only discloses displaying a commercial if there is a match of commercial identifier codes between the recording device and the received commercial.

Furthermore, since *Hite, et al.* merely discloses displaying a commercial when commercial identifier codes match between the recording device and an incoming signal, nothing in *Hite, et al.* shows, teaches or suggests selecting and transmitting an advertising image to an image content providing apparatus as claimed in claims 1, 18, 20, 28 and 36. Rather, the recording device in *Hite, et al.* selects a signal based upon match of commercial identifier codes.

Thus *Hite, et al.* does not disclose an advertisement image providing apparatus selecting and transmitting an advertisement image as claimed in claims 1, 18, 20, 28 and 36.

Also, *Hite, et al.* merely discloses simultaneously broadcasting multiple commercials each with a unique CID (Col. 5, lines 63-65). One of the multiple commercials is chosen as a default commercial that would play unless replaced by a targeted commercial (Col. 6, lines 3-6). Thus, nothing in *Hite, et al.* shows, teaches or suggests inserting the advertising image, transmitted to the image content providing apparatus, into the image content at the image content providing apparatus and distributing the image content with the inserted advertising image as claimed in claims 1, 18, 20, 28 and 36. Rather, *Hite, et al.* only discloses broadcasting multiple commercials, one of which is a default commercial.

Hite, et al. additionally discloses in a video on demand (VOD) system, the requested video is switched to individual display devices. The commercial choice switched to that location is based upon a match of the CID determined for that location and the CID embedded in the commercial (Col. 7, lines 54-62). Nothing in *Hite, et al.* shows, teaches or suggests providing image content in its entirety to an image content reproducing apparatus as claimed in claims 10, 19 and 37. Rather, *Hite, et al.* is a video on demand system such that the program is <u>not</u> provided in its entirety to a reproducing device prior to reproduction.

Furthermore, as discussed above, *Hite, et al.* at Col. 6, lines 28-33, only discloses displaying a commercial if commercial identifier codes match. Nothing in *Hite, et al.* shows, teaches or suggests a reproducing apparatus requesting distribution of an advertising image from an advertising image providing apparatus as claimed in claims 10, 19 and 37. Rather, *Hite, et al.* only discloses displaying one of multiple commercials if the commercial identifier codes match or displaying a default commercial.

Also, *Hite, et al.* at Col. 6, lines 28-33, only discloses displaying commercials when commercial identifier codes match. *Hite, et al.* does not show, teach or suggest selecting an advertising image and distribution thereof via stream distribution to a reproducing apparatus from an advertising image providing apparatus as claimed in claims 10, 19 and 37.

Finally, *Hite, et al.* only discloses at the recording device (RD) displaying a commercial when commercial identifier codes match (Col. 6, lines 28-33). Nothing in *Hite, et al.* shows, teaches or suggests (a) receiving selection information from an image content provider or an image reproducing apparatus via stream distribution and (b) selecting an advertisement based upon the selection information as claimed in claims 21 and 29. Rather, *Hite, et al.* only discloses at the recording device determining whether a commercial is displayed or not based upon received commercial identifier codes.

Aras, et al. merely discloses encoding all audio-visual material with a unique audio-visual identifier (AVI) to identify the content of the audio-visual material (Col. 7, lines 31-33). Nothing in *Aras, et al.* shows, teaches or suggests (a) during transmission of image content via stream distribution, detecting a position of inserting an advertisement image at the image content providing apparatus, requesting an advertising image providing apparatus distribute the advertisement image to an image content providing apparatus, selecting and transmitting the advertising image to the image content providing apparatus, inserting the advertising image into the image content at the image content providing apparatus and distribution via stream distribution the image content with the inserted advertisement image as claimed in claims 1, 18, 20, 28 and 36; (b) providing the requested image content in its entirety to a reproducing apparatus, detecting a position of advertising insert in image content previously provided when the image content is reproduced, requesting an advertisement image providing apparatus

distribute an advertising image to the reproducing apparatus and selecting the advertising image and distribution thereof by a stream distribution to the reproducing apparatus as claimed in claims 10, 19 and 37; and (c) receiving selection information from an image content providing apparatus or an image reproducing apparatus via stream distribution and selecting the advertisement image based upon the selection information as claimed in claims 21 and 29. Rather, *Aras, et al.* merely discloses encoding all audio-visual material with a unique identifier.

Khoo, et al. merely discloses a broadcaster 20 shares advertising revenues with the content providers 10 (Col. 1, lines 20-22). Nothing in *Khoo, et al.* shows, teaches or suggests the primary features as claimed in claims 1, 10, 18-21, 28-29 and 36-37 as discussed above. Rather, *Khoo, et al.* merely discloses broadcasters sharing advertising revenue.

Zigmond, et al. appears to disclose a user is presented with multiple ads and asked to select one for viewing. Information about the selected ads may be compiled (Col. 9, lines 30-32). Thus, nothing in *Zigmond, et al.* shows, teaches or suggests the primary features as discussed above and claimed in claims 1, 10, 18-21, 28-29 and 36-37. Rather, *Zigmond, et al.* only discloses presenting a user with multiple ads and asking the viewer to select one.

A combination of *Hite, et al.*, *Aras, et al.*, *Khoo, et al.* and *Zigmond, et al.* would merely suggest to simultaneously broadcast multiple commercials and at the recording device to select a commercial based upon matching commercial identifier codes as taught by *Hite, et al.*; to encode a unique identifier into the audio-visual material as taught by *Aras, et al.*; to share ad revenue as taught by *Khoo, et al.*; and to have a viewer select the ads as taught by *Zigmond, et al.* Thus, nothing in the combination of the references shows, teaches or suggests the primary features as claimed in claims 1, 10, 18-21, 28-29 and 36-37 as discussed above. Therefore, Applicants

respectfully request the Examiner withdraws the rejection to claims 1, 10, 18-21, 28-29 and 36-37 under 35 U.S.C. § 103.

Claims 2-9, 11-17 and 32-35 recite additional features. Applicants respectfully submit that claims 2-9, 11-17 and 32-35 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Hite, et al.*, *Aras, et al.*, *Khoo, et al.* and *Zigmond, et al.* at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2-9, 11-17 and 32-35 under 35 U.S.C. § 103.

Claims 22 and 30 were rejected under 35 U.S.C. § 103 as being unpatentable over *Hite, et al.*, in view of *Aristides, et al.* (U.S. Patent No. 5,630,119) and *Zigmond, et al.*

Hite, et al. discloses digital recording device (RD) installed at a display site in a television or receiver (VCR) display device which stores, in advance, commercial identifier codes in advance of a commercial broadcast (Col. 5, lines 40-50). Thus, nothing in *Hite, et al.* shows, teaches or suggests acquiring the image content in its entirety as claimed in claims 22 and 30. Rather, *Hite, et al.* discusses only the commercial identifier codes are recorded in advance of the commercial broadcast.

Furthermore, nothing in *Hite, et al.* discloses reproducing previously acquired image content and during the reproduction thereof, separately acquire advertising images via stream distribution and insertion thereof as claimed in claims 22 and 30. Rather, *Hite, et al.* only discloses selecting one commercial from a plurality of simultaneously broadcast commercials based upon matching commercial identifier codes (Col. 5, lines 63-65, Col. 6, lines 3-6, 28-33).

Aristides, et al. appears to disclose a channel dedicated to display listings of programs and electronic program guides (Col. 1, lines 13-45). Nothing in *Aristides, et al.* shows, teaches or suggests acquiring the image content in its entirety and during reproduction of the previously

acquired image content separately acquiring advertising image via stream distribution as claimed in claims 22 and 30. Rather, *Aristides, et al.* only discloses program guides for display.

Zigmond, et al. appears to disclose a viewer selecting an ad (Col. 9, lines 30-31). Nothing in *Zigmond, et al.* shows, teaches or suggests acquiring the content in its entirety and during reproduction thereof, separately acquiring advertisement images via stream distribution and insertion thereof as claimed in claims 22 and 30. Rather, *Zigmond, et al.* merely discloses a viewer selecting ads.

A combination of *Hite, et al.*, *Aristides, et al.* and *Zigmond, et al.* would merely suggest that during the broadcast selecting one of multiple commercials based upon commercial identifier codes at the display device as taught by *Hite, et al.*, to display a program guide as taught by *Aristides, et al.* and to have the viewer select the ads as taught by *Zigmond, et al.* Thus, nothing in the combination of the references shows, teaches or suggests acquiring image content in its entirety and during reproduction of a previously acquired image content, separately acquiring advertising image via stream distribution as claimed in claims 22 and 30. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 22 and 30 under 35 U.S.C. § 103.

The prior art of record, which is not relied upon is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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